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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/766,275
Filing Date: January 28, 2004
Appellant(s): BANTLIN ET AL.

William C. Gehris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/21/06 appealing from the Office action mailed 08/25/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,142,463 Leichnitz et al. 11-2000

Definition of "simultaneous" in Webster's New International Dictionary, 2nd Ed. (1939) at page 2558.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,142,463 (Leichnitz et al.).

Regarding independent claim 1 of the instant application, Leichnitz et al. discloses a method for synchronizing the motion sequences of at least one main pile (4) and at least one auxiliary pile (near 8) in a feeder or delivery device (2) of a printing material processing machine (1), the method comprising:

moving the main pile (4) using a drive (7) and a main controller (12) associated with the drive (7);

moving the auxiliary pile (near 8) using an additional drive (11) and an auxiliary pile controller (13) associated with the additional drive (11); and

receiving a start signal at the auxiliary pile controller (13) to ***move the auxiliary pile*** (near 8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal ***simultaneously initiating a movement of the main pile*** (4). See claim 1 and column 5, lines 10-16 of Leichnitz et al. For example, column 5, at lines 10-16 states that, "an identical switch on time generated by control unit 14 and received by both drive control unit 12 of feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes ***auxiliary pile-carrying assembly*** 3 and ***main pile-carrying assembly*** 19 of the feeder 2 to ***move identically***." (emphasis added). In other words, the signal from the higher-level machine controller

(14) simultaneously initiates the movement the main pile (4) and the auxiliary pile (near 8) by identically moving the auxiliary pile-carrying assembly and the main pile-carrying assembly. As such, Leichnitz et al. meets the limitations of claim 1 as now amended.

Regarding the dependent claim 2, the moving of the main pile (4) and the moving of the auxiliary pile (8) include moving the main pile (4) and the auxiliary pile (near 8) a same distance within a same time using the main pile controller (12) and the auxiliary pile controller (13). In particular, column 5, lines 10-16 disclose that the auxiliary pile-carrying assembly 3 and main pile-carrying assembly 19 move identically. As such, the main pile (4) and the auxiliary pile (near 8) move the same distance within the same time, as claimed.

Regarding the dependent claim 3, Leichnitz et al. discloses storing at least one of a last-reached position of the auxiliary pile and a last reached position of the main pile (4) stored in at least one of the main pile controller, the auxiliary pile controller and the further, higher-level machine controller (14). In particular, it appears from Fig. 4 that at least the last-reached position of the main pile (4) can be stored in the higher-lever machine controller (14) when it is received as a signal from the pile height scanner (15).

Regarding the dependent claim 4, column 2, lines 62-67 and column 5, lines 18-41 disclose moving at least one of the auxiliary (near 8) and main piles (4) as a function of the at least one of a last-reached position of the auxiliary pile (near 8) and a last-reached position of the main pile (4).

Regarding the dependent claim 5, column 4, lines 52-61 and Fig. 4 disclose transmitting a travel path of the main pile (4) or a travel path of the auxiliary pile (near 8)

as a setpoint value to the main pile controller (12) or the auxiliary pile controller (13), respectively.

Regarding the dependent claim 6, Fig. 1 and column 5, lines 10-16 disclose transmitting the start signal via a communication device (14) between the auxiliary pile controller (13) and the main pile controller (12). The controller (14) is a communication device interconnected between the auxiliary pile controller (13) and the main pile controller (12). As such, the controller (14) is a communication device between the auxiliary pile controller (13) and the main pile controller (12) as claimed.

Regarding the dependent claim 7, column 5, lines 21-31 disclose compensating for delays occurring during signal transmission via the communication device (14).

Regarding the dependent claim 8, column 2, lines 62-67 disclose measuring disturbances and taking into account the disturbances in the in the control of the drive (7) and additional drive (11).

Regarding the dependent claim 10, the feeder or delivery device (including 1, 2, 7, 11, 12, 13 and 14) is part of a printing press. See Abstract.

Regarding independent claim 11, Fig. 1 shows a feeder (2) or delivery device of a printing material processing machine (1) having synchronized motion sequences of at least one main pile (4) and at least one auxiliary pile (8) comprising:

a drive (7) for moving the main pile (4);

a main pile controller (12) associated with the drive (7);

an additional drive (11) for moving the auxiliary pile (near 8); and

an auxiliary pile controller (13) associated with the additional drive (11), the auxiliary pile controller (13) receiving a start signal to move the auxiliary pile (near 8), the start signal being received from the main pile controller or from a further, higher-level machine controller (14), the start signal simultaneously initiating a movement of the main pile (4). As explained above with regard to the rejection of claim 1, column 5, at lines 10-16 of Leichnitz et al. states that, "an identical switch on time generated by control unit 14 and received by both drive control unit 12 of feeder 2 and drive unit 13 of the auxiliary pile-carrying assembly 3 causes ***auxiliary pile-carrying assembly*** 3 and ***main pile-carrying assembly*** 19 of the feeder 2 to ***move identically***." (emphasis added). In other words, the signal from the higher-level machine controller (14) simultaneously initiates the movement the main pile (4) and the auxiliary pile (8) by identically moving the auxiliary pile-carrying assembly and the main pile-carrying assembly. As such, Leichnitz et al. meets the limitations of claim 11.

(10) Response to Argument

Appellants allege that the Leichnitz et al. patent does not disclose a start signal simultaneously initiating a movement of the main pile and the auxiliary pile as claimed. In support of this position applicants argue that a switching signal sent to a drive unit 12 has a lag time relative to a switching signal sent to a second drive unit 13. According to appellants, this lag time results in an auxiliary pile carrying assembly 3 initiating a movement that has a lag time from a main pile-carrying assembly 19.

Independent claim 1 recites, "receiving a start signal at the auxiliary pile controller to move the auxiliary pile, the start signal being received from the main pile

controller or from a further, higher-level machine controller, the start signal simultaneously initiating a movement of the main pile". It is the examiner's position that this recitation can be broadly read to mean a start signal received by a controller, which ultimately causes a main pile and an auxiliary pile to move simultaneously. Several portions of the Leichnitz et al. patent disclose or at least strong suggest that the Leichnitz et al. apparatus operates in this manner.

For example, claim 1 in the Leichnitz et al. patent specifically states, "an auxiliary pile-carrying assembly for moving either synchronously or asynchronously with respect to the main pile carrying device; first and second drive units for driving the main and auxiliary pile-carrying assemblies, respectively; a control unit for providing a common control signal to the first and second drive units for synchronously driving the main and auxiliary pile carrying assemblies..." In other words, a common control signal is received by two different drive units (i.e., two control units) and then the two different drive units (two control units) synchronously move two different pile carrying assemblies (i.e., two piles). The dictionary defines the term "synchronous" as "1. Happening, existing, or coming into existence, etc. at the same time; concurrent in time; contemporaneous; **simultaneous**; as, *synchronous* events, geological deposits, or storms, in various parts of the country." (emphasis added). See Webster's New International Dictionary, Second Edition Unabridged (1939) at page 2558. In other words, synchronous movement of the two piles can be considered "simultaneous" movement of the two piles. The receipt of the common control signal by the two drive units (two control units) is what starts a process that results in the simultaneous

movement of the two piles. Thus, it is the examiner's position that the common control signal can be considered a "start signal". In summary, the common control signal (i.e., start signal) is received by two different drive units (control units), which then simultaneous move of the two different piles, as required by independent claim 1. Similar limitations are recited in independent claim 11. See also claims 10 and 12, and column 5, lines 10-15 of the Leichnitz et al. patent.

With regard to appellants' comments regarding lag time and speed vs. time diagrams, it is noted that any events (e.g., time lag between different signals) that take place between the receipt of the common control signal (start signal) and the simultaneous movement of the two different piles does not change the fact that the Leibnitz et al. patent discloses a common control signal (start signal) that initiates simultaneous movement of two different piles, as required by claims 1 and 11.

For appellants' separate argument for claim 7, appellants argue that Leibnitz does not compensate for delays at all, but rather intentionally introduces a delay. This argument is without merit.

Column 5, lines 21-31 of Leibnitz explain a lag time between a switching signal S for a drive unit 12 and another switching signal S for a drive unit 13. To clarify how Leibnitz compensates for delays, it is noted that the auxiliary pile-carrying assembly and the main pile-carrying assembly use different motors that have different characteristics. See, e.g., column 2, lines 34-58. The lag time is used to compensate for the different characteristics of the two motors (e.g., a high acceleration motor compared to a low acceleration motor). As such, it is the examiner's position that the lag time

compensates for the time delay needed to start one of the motors later than the other motor, so that the two motors operate appropriately.

For appellants' separate argument for claim 8, appellants argue that the section of Leibnitz cited by the final office action does not discuss measuring disturbances at all. This argument is without merit.

Column 2, lines 62-67 disclose a height scanner connected to a control unit that controls two different drives. See also Fig. 4 for the control unit and the two different drives. It is the examiner's position that a change in height can be broadly interpreted as "a disturbance" that is measured by the height scanner. This measured height change is provided to the control unit. As such, Leibnitz discloses measuring disturbances and taking into account the disturbances in the in the control of two different drives, as required by claim 8.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TMorrison

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

Conferees:

KM

DB

Examiner's Evidence Appendix

Leichnitz et al. reference

Copy of page 2558 of Webster's New International Dictionary, 2nd Ed. (1939).